

Christine Chang Pro Per, Individually  
And Eric Sun, disabled  
341 Tideway Drive #214  
Alameda, CA 94501  
Telephone: (510) 769-8232

FILED  
FEB 29 2008  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CHANG, individually )  
And ERIC SUN, disabled )

Plaintiffs, )

vs. )

ROCKRIDGE MANOR )  
CONDOMINIUM et al. )

Defendants. )

Case No: C-07-4005 EMC

PLAINTIFFS' APPEAL  
OF COURT ORDER GRANTING  
DEFENDANTS ROCKRIDGE  
MANOR CONDOMINIUM'S  
MOTION TO DISMISS OR, IN THE  
ALTERNATIVE, FOR A MORE  
DEFINITE STATEMENT; AND  
GRANTING DEFENDANTS  
ROCKRIDGE MANOR  
CONDOMINIUM'S MOTION FOR  
SUMMARY JUDGMENT  
AND LEAVE FOR APPEAL

Date: April 23, 2008

Time: 10:30 a.m.

Courtroom: C, 15<sup>th</sup> Floor

Judge: Honorable

Edward M. Chen

**INTRODUCTION**

1  
2 1. On February 13, 2008, the Court granted Defendants Rockridge Manor  
3 Condominium's Motions to Dismiss and Summary Judgment. The Court ordered  
4 Plaintiffs to file more definite statement by February 29, 2008.

5 2. Plaintiffs Chang and Sun's initial state action against Rockridge Manor  
6 Condominium **Individuals** was filed on September 12, 2001. Plaintiff Chang  
7 communicated with Plaintiffs' attorney, Mr. Allen, specifically to file complaint against  
8 the individuals **only** (EXHIBIT 3.2), and the initial complaint was filed as Plaintiff  
9 Chang requested.

10 3. On October 1, 2001, Plaintiffs' attorney, Mr. Allen, filed the First Amended  
11 Complaint **adding** Rockridge Manor Homeowners Association as a Defendant without  
12 ever communicated with Plaintiffs. Plaintiffs did not know such Amendment existed  
13 and Mr. Allen never sent a copy to Plaintiffs (EXHIBIT 3.3).

14 4. Sometimes after May 2005 Plaintiff Chang found a copy of the First Amended  
15 Complaint in the records and documents returned by Ms. Zimba..

16 5. Plaintiffs are informed and believe and based thereon allege that the Rockridge  
17 Manor Condominium Individual Defendants corrupted Mr. Allen who filed the First  
18 Amended Complaint to **absolve** these Individual Defendants' liabilities owed to  
19 Plaintiffs.

20 6. These Defendants shielded themselves under the Rockridge Manor Homeowners  
21 Association insurance policy for legal cost, and aroused hatred against Plaintiffs by framing  
22 Plaintiffs suing the Rockridge Manor Homeowners Association causing HOA dues to go  
23 up and bankruptcy.

24 7. These Individual Defendants turned Plaintiffs' Complaint into their cause of actions  
25 against Plaintiffs, and caused University Defendant Constance Pepper Celaya to assault and  
26 batter against Plaintiffs.

27 8. As an owner in Rockridge Manor Condominium Plaintiff Chang became suing  
28

1 the condo owners and was forced to pay legal fees matching the financial resource of  
2 Rockridge Manor Homeowners Association.

3 9. Immediately after the assault/battery incident Plaintiff Chang repeatedly requested  
4 Mr. Allen to file amendment to include the assailant in the Rockridge Manor  
5 Condominium Complaint. But Mr. Allen insisted upon filing a separate action  
6 (EXHIBIT 3.6).

7 10. Plaintiffs are informed and believe and based thereon allege that the Rockridge  
8 Manor Condominium Individual Defendants corrupted Mr. Allen who file the assault/  
9 battery as a separate action to absolve Rockridge Manor Individual Defendants'  
10 liabilities in causing Plaintiffs being beaten up, and to exonerate the assault/battery  
11 Defendant Constance Pepper Celaya's liabilities owed to Plaintiffs.

12 11. Plaintiffs did not know the First Amended Complaint's existence until after May  
13 2005. The Rockridge Manor Condominium Individual Defendants orchestrated the First  
14 Amended Complaint **adding the Association** starting October 1, 2001 until April 2005  
15 conclusion, and orchestrated the separated Assault/Battery Complaint starting April 3, 2002  
16 until September 2005 Plaintiffs' motion to set aside assault/battery judgment.

17 12. After they summoned the John George Crisis Center and Oakland Police framing  
18 Plaintiff being dangerous/violent/having a gun, caused University Police Department  
19 Defendant Constance Celaya beatened up both Plaintiffs in the laundryroom, corrupted  
20 Plaintiffs' attorneys sabotaging Plaintiffs' complaints, the Rockridge Manor Individual  
21 Defendants and University Police Department Defendant continued stalking and scaring  
22 tactics forcing Plaintiffs to sell their home and move away.

23 13. The Rockridge Manor Condominium Defendants and University Police  
24 Department Defendant had sabotaged Plaintiffs' both state actions to absolve their  
25 liabilities.

26 14. These Defendants had controlled and manipulated Plaintiffs' state actions  
26 starting from October 1, 2001 through September 2005 causing Plaintiffs physical,  
27 psychological, economic injuries and losing our home.

**ISSUES TO BE DECIDED**

1. Is the release voidable when the Rockridge Manor Condominium Defendants had reason to know of the mistake or caused the mistake or unless the effect of the mistake is such that enforcement of the contract would be unconscionable (Court Order P.10).

2. The Rockridge Manor Condominium Defendants had controlled and manipulated every aspects of Plaintiffs' both state actions and the Rockridge Manor Homeowners Association Complaint concluded in April 2005. The three-year statute of limitation applies for fraud claim.

3. The Assault/Battery Complaint concluded in September 2005 when Plaintiffs' motion to set aside the judgment. The three-year statute of limitation applies for fraud claim.

4. The Rockridge Manor Condominium Defendants perjured in their depositions and the University Police Department Defendant Constance Celaya perjured in every legal proceedings (Answer and cross complaint, deposition, trial, and motion hearing). California Penal Code Section 118 provides three-year statute of limitations for perjury.

**LEGAL ARGUMENT**

1. The Court of Appeals denied parent corporation law firm's motion for summary judgment. Collateral estoppel did not apply because appellee representative did not have a full and fair opportunity to litigate the adequacy of the settlement. Further, the court-approved settlement did not immunized the law firm attorneys from subsequent malpractice actions. The Court of Appeals affirmed the district court's denial of summary judgment. Issue preclusion applies in subsequent suits based on a different cause of action involving a party to the prior litigation. *Ronald L. Durkin v. Shea & Gould*, 92 F.3d 1510 (1996).

2. The investors alleged that the company was a Ponzi Scheme and the attorney and law firm represented the company with knowledge that the company was a Ponzi



1 Scheme. The court found that there was a triable issue of fact whether the attorney's  
2 personal involved in the scheme induced investors and the law firm could be vicariously  
3 liable for the attorney's fraud. The investors produced evidence to create a triable issue  
4 as to whether the attorney and the law firm engaged in prohibited conduct. The investor  
5 also produced evidence of scienter. *Lynn & Ed Forslund vs. Scott J. Rein*, 2003 U.S.  
6 Dist. LEXIS 16832 (2003).

7 3. An attorney could be liable for breach of fiduciary duty if the attorney conspired  
8 with a client to violate a statutory duty if the attorney acted in furtherance of personal  
9 gain. The claims alleged FRAUD and other tortuous conduct. *Jasmine Technologies,*  
10 *Inc v. Rodime, Inc*, 1992 U.S. Dist. LEXIS 14627 (1992).

11 4. The court order denying defendant's motion for summary judgment for cause of  
12 action for FRAUD and misrepresentation. *Western Emulsions, Inc. v BASF*  
13 *Corporation*, 2007 U.S. Dist. LEXIS 48376 (2007).

14 5. Plaintiffs allege Defendants have a fiduciary relationship. The statute does not  
15 run until Plaintiffs have notice or knowledge of facts sufficient to put a reasonable  
16 man on inquiry, *Dale Sakai v. Merrill Lynch Life Insurance*, 2007 U.S. Dist. LEXIS  
17 35958 (2007). In this current action the Rockridge Manor Defendants owed Plaintiffs  
18 a fiduciary duty, and Plaintiff discovered the fraudulent amended complaint in May 2005.

19 6. UNRUH Civil Rights Act, Cal. Civ. Code Section 51. In civil rights actions,  
20 punitive damages are appropriate when the defendant's conduct is shown to be  
21 motivated by evil motive or intent, or when it involves reckless or callous indifference  
22 to the federally protected rights of others. All Rockridge Manor Condominium  
23 Defendants in this instant action had known Plaintiffs Chang and Sun for ten years before  
24 their persecution began caused by their greed and personal gains. They were also well  
25 aware of Plaintiff Sun's mental and physical disabilities at the time of their persecutions  
26 and assault and battery. The Rockridge Manor Condominium Defendants (President,  
27 Board of Directors, Manager) owed a fiduciary duty to Plaintiffs who were homeowners.

**7. California Unfair Business Practices Act - A business practice that is unlawful, unfair, or fraudulent violates the California Unfair Business Practices Act.**

8. The Fair Housing Amendments Act (FHAA) makes unlawful discrimination in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with such dwelling, because of a handicap 42 U.S.C.S. Section 3604(f)(2)(A). Discrimination may be shown through disparate treatment, disparate impact, or refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford the handicapped individual an equal opportunity to use and enjoy a dwelling. 42 U.S.C.S. Section 3604(f)(3)(B); 24 C.F.R. Section 100.204.

In this instant action the Rockridge Manor Condominium Defendants (President, Board of Director, Manager) summoned John George Crisis Center and Oakland police framing disabled-homeowner-Plaintiff being dangerous/violent/having a gun, caused disabled-homeowner-Plaintiff(s) being beaten up by another homeowner with police-offensive-skills, sabotaged disabled-homeowner-Plaintiffs' complaints filed in state courts, corrupted disabled-homeowner-Plaintiffs' attorneys corroborating with defense attorneys, continued stalking and scaring disabled-homeowner-Plaintiffs in the Rockridge Manor Condominium until forcing disabled-homeowner-Plaintiffs sold the unit and moved away, continued controlling and manipulating Plaintiffs state actions until completely abolishing Plaintiffs' rights.

## CONCLUSION

Because the release settlement was fraudulent and Plaintiffs Chang and Sun were held by duress, oppression, and undue influence at the time of release, and there is triable issues of different cause of action in this instant Complaint.

Plaintiffs respectfully appeal the Court Order granting Defendants Rockridge Manor Homeowners' Association, Rockridge Manor Condominium, Rockridge Manor Board of Directors, Rockridge Manor President of Board of Directors Charles Blakeney, and

**EXHIBIT 3.2**

10/26/01



10/26/01

BRETT S. ALLEN, (SBN 165097)  
LAW OFFICE OF BRETT S. ALLEN  
909 Marina Village Parkway, #669  
Alameda, CA 94501  
Tel: (510) 872-9933

Attorney for Plaintiffs  
Christine Chang and  
Eric Sun

ENDORSED  
FILED  
ALAMEDA COUNTY

SEP 12 2001

CLERK OF THE SUPERIOR COURT  
By R.C. Hughes,

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ALAMEDA  
UNLIMITED JURISDICTION

CHRISTINE CHANG and ERIC SUN

Plaintiffs,

vs.

EVA AMMANN, ~~ELIZABETH LADY~~,  
CHARLES BLAKENEY, MIKE  
SOLOMON, MURRAY SINGER, and  
DOES 1-100, inclusive

Defendants.

CASE NO. 2001-023364

COMPLAINT FOR INTENTIONAL  
INFLECTION OF EMOTIONAL  
DISTRESS, NEGLIGENCE, SLANDER,  
AND INTRUSION

Plaintiffs, CHRISTINE CHANG and ERIC SUN complain of Defendants and each  
of them as follows:

**GENERAL ALLEGATIONS**

1. At all times relevant to this lawsuit, Plaintiffs, CHRISTINE CHANG and ERIC SUN, ("Plaintiffs") were residents of Alameda County, California.
2. Plaintiffs are informed and believe that at all times relevant to this lawsuit defendant EVA AMMANN was and is a natural person residing in Alameda County.
3. Plaintiffs are informed and believe that at all times relevant to this lawsuit

1 defendant CHARLES BLAKENEY was and is a natural person residing in  
2 Alameda County.

3 4. Plaintiffs are informed and believe that at all times relevant to this lawsuit  
4 defendant MIKE SOLOMON was and is a natural person residing in Alameda  
5 County.

6 5. Plaintiffs are informed and believe that at all times relevant to this lawsuit  
7 defendant MURRAY SINGER was and is a natural person residing in Alameda  
8 County.

9 6. Defendants Does 1 through 100, inclusive, are sued herein under fictitious  
10 names because their true names and capacities, whether individual, associate,  
11 corporate or governmental, are not now known to Plaintiffs. Plaintiffs are  
12 informed and believe and upon such information and belief allege that each of  
13 the Defendants named as a Doe is negligently or otherwise legally responsible in  
14 some manner for the events herein alleged, and that said Defendants negligently  
15 acted or omitted to act in one or more of their occupations and businesses and  
16 that such negligence or fault proximately caused the injuries and damages  
17 hereinafter set forth. Plaintiffs pray leave to insert the true names and capacities  
18 of said Defendants when the same are ascertained.

19 7. At all times herein mentioned, each and every one of the Defendants  
20 herein was the agent, servant and employee of each other, and each was acting  
21 within the course and scope of such agency, service and employment.

22 8. At all times relevant to this lawsuit plaintiffs CHRISTINE CHANG and  
23 ERIC SUN resided in unit number 314 located in the Rockridge Manor  
24 Condominium complex at 2005 Pleasant Valley Avenue, Oakland, California.

25 9. At all times relevant to this lawsuit, plaintiffs are informed and believe that  
26 defendant EVA AMMANN was the manager of Rockridge Manor Condominium  
27 complex and resided in said complex located at 2005 Pleasant Valley Avenue,  
28 Oakland, California.

10. At all times relevant to this lawsuit, plaintiffs are informed and believe that defendant CHARLES BLAKENEY was on the board of directors of the Rockridge Manor Condominium complex and resided in said complex located at 2005 Pleasant Valley Avenue, Oakland, California.

11. At all times relevant to this lawsuit, plaintiffs are informed and believe that defendant MIKE SOLOMON was on the board of directors of the Rockridge Manor Condominium complex and resided in the complex located at 2005 Pleasant Valley Avenue, Oakland, California.

12. At all times relevant to this lawsuit, plaintiffs are informed and believe that defendant MURRAY SINGER was on the board of directors of the Rockridge Manor Condominium complex and resided in said complex located at 2005 Pleasant Valley Avenue, Oakland, California.

**FIRST CAUSE OF ACTION**  
(Intentional Infliction of Emotional Distress)

13. On or about September 14, 2000, defendant EVA AMMANN contacted the Department of Social Services and knowingly and falsely reported that plaintiff ERIC SUN was acting dangerously and possessed a gun.

14. Defendants' conduct as alleged here was intentional and malicious and done for the purpose of causing Plaintiffs to suffer humiliation, mental anguish, and emotional and physical distress. Defendants CHARLES BLAKENEY, MIKE SOLOMON, and MURRAY SINGER's conduct in confirming and ratifying the wrongful conduct was done with a wanton and reckless disregard of the consequences to Plaintiffs.

15. As the proximate result of the aforementioned acts, Plaintiffs suffered humiliation, mental anguish, embarrassment, shame, and emotional and physical distress, and have been injured in mind and body, all to Plaintiffs's damage.

16. As a result of Defendants's conduct as alleged herein, Plaintiffs suffered severe emotional distress according to proof at trial including but not limited to



1 humiliation, embarrassment, anguish, pain, and betrayal.

2 17. As more fully alleged above, in committing all of the foregoing acts of  
3 misconduct, Defendants acted in a flagrant, aggravated, and wanton and  
4 reckless disregard of the duties and obligations they owed to Plaintiffs and their  
5 rights, and Plaintiffs are therefore entitled to and demand punitive damages.

6 18. As more fully alleged above, pursuant to California Civil Code section  
7 3345, Plaintiffs are entitled to have penalties, fines, and damages awarded  
8 increased in an amount up to three times greater than would otherwise be  
9 awarded.

10 **SECOND CAUSE OF ACTION**  
11 (Negligence)

12 19. Plaintiffs incorporate herein by reference each and every allegation as set  
13 forth in Paragraphs 1 through 18 above.

14 20. Defendants named herein knew that Plaintiff ERIC SUN had emotional  
15 problems and that calling the Department of Social Services and/or the police  
16 would greatly harm his state of mind. Additionally, Defendants knew that calling  
17 the police and/or the Department of Social Services would cause great emotional  
18 harm to Plaintiff CHRISTINE CHANG. Despite this knowledge, Defendants and  
19 each of them called and/or ratified the calling of the Department of Social  
20 Services and/or the police and fraudulently reported that Plaintiff ERIC SUN  
21 possessed a gun and was acting violently. Defendants breached their duty to  
22 Plaintiffs by fraudulently, knowingly, and falsely informing or ratifying the  
23 informing of the Department of Social Services and/or the police that Plaintiff  
24 ERIC SUN possessed a gun and was violent.

25 21. The result of Defendants's negligence as alleged herein, caused the  
26 Plaintiffs loss of security, humiliation, frustration, mental anguish, and emotional  
27 and physical distress.  
28



**THIRD CAUSE OF ACTION**  
**(Slander against EVA AMMANN)**

22. Plaintiffs incorporate herein by reference each and every allegation as set forth in Paragraphs 1 through 21 above.

23. On or about September 14, 2000, defendant EVA AMMANN contacted the Department of Social Services and knowingly and falsely reported that plaintiff ERIC SUN was acting dangerously and possessed a gun.

24. Defendant EVA AMMANN's statements were made with wanton disregard for the truth and accused Plaintiff ERIC SUN of possessing a firearm. Therefore, Plaintiff ERIC SUN is entitled to and demands punitive damages against Defendant EVA AMMANN.

25. The result of Defendants's slander as alleged herein, caused Plaintiff ERIC SUN loss of security, humiliation, frustration, mental anguish, and emotional and physical distress.

**FOURTH CAUSE OF ACTION**  
**(Intrusion)**

26. Plaintiffs incorporate herein by reference each and every allegation as set forth in Paragraphs 1 through 28 above.

27. Defendants actions caused the Department of Social Services and the police to intrude into the life of Plaintiff ERIC SUN in a highly offensive manner.

28. Defendants knew that falsely informing the Department of Social Services and/or the police would cause the police and Department of Social Services personnel to intrude into Plaintiff ERIC SUN's privacy by entering his condominium.

WHEREFORE, Plaintiffs pray judgment as hereinafter set forth.

**ON THE FIRST AND THIRD AND FOURTH CAUSES OF ACTION:**

1. For general damages according to proof at the time of trial;
2. For costs of suit herein incurred;


3. For punitive damages; and
4. For such other and further relief as the Court deems just and proper.

**ON THE SECOND CAUSE OF ACTION:**

1. For general damages according to proof at the time of trial;
2. For costs of suit herein incurred; and
3. For such other and further relief as the Court deems just and proper.

Dated: September 11, 2001

Law Office of Brett S. Allen



Brett S. Allen  
Attorney for Plaintiffs  
CHRISTINE CHANG and  
ERIC SUN

### **EXHIBIT 3.3**

1 BRETT S. ALLEN, (SBN 165097)  
2 LAW OFFICE OF BRETT S. ALLEN  
3 909 Marina Village Parkway, #669  
4 Alameda, CA 94501  
5 Tel: (510) 872-9933

6  
7  
8 Attorney for Plaintiffs  
9 Christine Chang and  
10 Eric Sun  
11

12 SUPERIOR COURT OF CALIFORNIA  
13 COUNTY OF ALAMEDA  
14 UNLIMITED JURISDICTION  
15

16 CHRISTINE CHANG and ERIC SUN

CASE NO.: 2001-023364

17 Plaintiffs,

18 vs.

19 EVA AMMANN, CHARLES BLAKENEY,  
20 MIKE SOLOMON, MURRAY SINGER,  
21 ROCKRIDGE MANOR HOA and DOES  
22 2-100, inclusive

FIRST AMENDED COMPLAINT FOR  
INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS,  
NEGLIGENCE, SLANDER, AND  
INTRUSION

23 Defendants.  
24  
25

26 Plaintiffs, CHRISTINE CHANG and ERIC SUN complain of Defendants and each  
27 of them as follows:  
28

**GENERAL ALLEGATIONS**

1. At all times relevant to this lawsuit, Plaintiffs, CHRISTINE CHANG and ERIC SUN, ("Plaintiffs") were residents of Alameda County, California.
2. Plaintiffs are informed and believe that at all times relevant to this lawsuit defendant EVA AMMANN was and is a natural person residing in Alameda County.
3. Plaintiffs are informed and believe that at all times relevant to this lawsuit

1 defendant CHARLES BLAKENEY was and is a natural person residing in  
2 Alameda County.

3 4. Plaintiffs are informed and believe that at all times relevant to this lawsuit  
4 defendant MIKE SOLOMON was and is a natural person residing in Alameda  
5 County.

6 5. Plaintiffs are informed and believe that at all times relevant to this lawsuit  
7 defendant MURRAY SINGER was and is a natural person residing in Alameda  
8 County.

9 6. Upon filing the original cross-complaint herein, Plaintiffs were ignorant of  
10 the true names of each Defendant and having designated this Defendant in the  
11 complaint by a fictitious name, to-wit DOE-1, and having discovered the true  
12 name of the Defendant to be the Defendant described in this paragraph, Plaintiff  
13 hereby amends its complaint by inserting such true name in the place and stead  
14 of such fictitious name wherever it appears in the complaint. ROCKRIDGE  
15 MANOR HOA is a business entity, form unknown, which performed managerial  
16 functions at the Rockridge Manor Condominium Complex at the time of the  
17 relevant events described herein. Plaintiffs are informed and believe and thereon  
18 allege that the ROCKRIDGE MANOR HOA participated in the wrongful acts and  
19 omissions alleged herein and ratified the wrongful acts and omissions of the  
20 other defendants as alleged herein.

21 7. Defendants Does 2 through 100, inclusive, are sued herein under fictitious  
22 names because their true names and capacities, whether individual, associate,  
23 corporate or governmental, are not now known to Plaintiffs. Plaintiffs are  
24 informed and believe and upon such information and belief allege that each of  
25 the Defendants named as a Doe is negligently or otherwise legally responsible in  
26 some manner for the events herein alleged, and that said Defendants negligently  
27 acted or omitted to act in one or more of their occupations and businesses and  
28 that such negligence or fault proximately caused the injuries and damages



hereinafter set forth. Plaintiffs pray leave to insert the true names and capacities of said Defendants when the same are ascertained.

8. At all times herein mentioned, each and every one of the Defendants herein was the agent, servant and employee of each other, and each was acting within the course and scope of such agency, service and employment.

9. At all times relevant to this lawsuit plaintiffs CHRISTINE CHANG and ERIC SUN resided in unit number 314 located in the Rockridge Manor Condominium complex at 2005 Pleasant Valley Avenue, Oakland, California.

10. At all times relevant to this lawsuit, plaintiffs are informed and believe that defendant EVA AMMANN was the manager of Rockridge Manor Condominium complex and resided in said complex located at 2005 Pleasant Valley Avenue, Oakland, California.

11. At all times relevant to this lawsuit, plaintiffs are informed and believe that defendant CHARLES BLAKENEY was on the board of directors of the Rockridge Manor Condominium complex and resided in said complex located at 2005 Pleasant Valley Avenue, Oakland, California.

12. At all times relevant to this lawsuit, plaintiffs are informed and believe that defendant MIKE SOLOMON was on the board of directors of the Rockridge Manor Condominium complex and resided in the complex located at 2005 Pleasant Valley Avenue, Oakland, California.

13. At all times relevant to this lawsuit, plaintiffs are informed and believe that defendant MURRAY SINGER was on the board of directors of the Rockridge Manor Condominium complex and resided in said complex located at 2005 Pleasant Valley Avenue, Oakland, California.

**FIRST CAUSE OF ACTION**  
Intentional Infliction of Emotional Distress  
Against All Defendants

14. On or about September 14, 2000, defendant EVA AMMANN contacted the Department of Social Services and knowingly and falsely reported that

1 plaintiff ERIC SUN was acting dangerously and possessed a gun.

2 15. Defendants' conduct as alleged here was intentional and malicious and  
3 done for the purpose of causing Plaintiffs to suffer humiliation, mental anguish,  
4 and emotional and physical distress. Defendants CHARLES BLAKENEY, MIKE  
5 SOLOMON, MURRAY SINGER, and the ROCKRIDGE MANOR HOA's conduct  
6 in confirming and ratifying the wrongful conduct was done with a wanton and  
7 reckless disregard of the consequences to Plaintiffs.

8 16. As the proximate result of the aforementioned acts, Plaintiffs suffered  
9 humiliation, mental anguish, embarrassment, shame, and emotional and physical  
10 distress, and have been injured in mind and body, all to Plaintiffs's damage.

11 17. As a result of Defendants's conduct as alleged herein, Plaintiffs suffered  
12 severe emotional distress according to proof at trial including but not limited to  
13 humiliation, embarrassment, anguish, pain, and betrayal.

14 18. As more fully alleged above, in committing all of the foregoing acts of  
15 misconduct, Defendants acted in a flagrant, aggravated, and wanton and  
16 reckless disregard of the duties and obligations they owed to Plaintiffs and their  
17 rights, and Plaintiffs are therefore entitled to and demand punitive damages.

18 19. As more fully alleged above, pursuant to California Civil Code section  
19 3345, Plaintiffs are entitled to have penalties, fines, and damages awarded  
20 increased in an amount up to three times greater than would otherwise be  
21 awarded.

22 **SECOND CAUSE OF ACTION**  
23 **Negligence Against All Defendants**

24 20. Plaintiffs incorporate herein by reference each and every allegation as set  
25 forth in Paragraphs 1 through 18 above.

26 21. Defendants named herein knew that Plaintiff ERIC SUN had emotional  
27 problems and that calling the Department of Social Services and/or the police  
28 would greatly harm his state of mind. Additionally, Defendants knew that calling

1 the police and/or the Department of Social Services would cause great emotional  
2 harm to Plaintiff CHRISTINE CHANG. Despite this knowledge, Defendants and  
3 each of them called and/or ratified the calling of the Department of Social  
4 Services and/or the police and fraudulently reported that Plaintiff ERIC SUN  
5 possessed a gun and was acting violently. Defendants breached their duty to  
6 Plaintiffs by fraudulently, knowingly, and falsely informing or ratifying the  
7 informing of the Department of Social Services and/or the police that Plaintiff  
8 ERIC SUN possessed a gun and was violent.

- 9 22. The result of Defendants's negligence as alleged herein, caused the  
10 Plaintiffs loss of security, humiliation, frustration, mental anguish, and emotional  
11 and physical distress.

12  
13 **THIRD CAUSE OF ACTION**  
Slander Against All Defendants

- 14 23. Plaintiffs incorporate herein by reference each and every allegation as set  
15 forth in Paragraphs 1 through 21 above.

- 16 24. On or about September 14, 2000, defendant EVA AMMANN contacted  
17 the Department of Social Services and knowingly and falsely reported that  
18 plaintiff ERIC SUN was acting dangerously and possessed a gun.

- 19 25. Defendant EVA AMMANN's statements were made with wanton disregard  
20 for the truth and accused Plaintiff ERIC SUN of possessing a firearm.  
21 Defendants CHARLES BLAKENEY, MIKE SOLOMON, MURRAY SINGER, and  
22 the ROCKRIDGE MANOR HOA's conduct in confirming and ratifying the  
23 wrongful conduct was done with a wanton and reckless disregard of the  
24 consequences to Plaintiffs Therefore, Plaintiff ERIC SUN is entitled to and  
25 demands punitive damages against all Defendants.

- 26 26. The result of Defendants's slander as alleged herein, caused Plaintiff  
27 ERIC SUN loss of security, humiliation, frustration, mental anguish, and  
28

emotional and physical distress.

**FOURTH CAUSE OF ACTION**  
Intrusion Against All Defendants

27. Plaintiffs incorporate herein by reference each and every allegation as set forth in Paragraphs 1 through 28 above.

28. Defendants actions caused the Department of Social Services and the police to intrude into the life of Plaintiff ERIC SUN in a highly offensive manner.

29. Defendants knew that falsely informing the Department of Social Services and/or the police would cause the police and Department of Social Services personnel to intrude into Plaintiff ERIC SUN's privacy by entering his condominium.

WHEREFORE, Plaintiffs pray judgment as hereinafter set forth.

**ON THE FIRST AND THIRD AND FOURTH CAUSES OF ACTION:**

1. For general damages according to proof at the time of trial;
2. For costs of suit herein incurred;
3. For punitive damages; and
4. For such other and further relief as the Court deems just and proper.

**ON THE SECOND CAUSE OF ACTION:**

1. For general damages according to proof at the time of trial;
2. For costs of suit herein incurred; and
3. For such other and further relief as the Court deems just and proper.

Dated: October 1, 2001

Law Office of Brett S. Allen

\_\_\_\_\_  
Brett S. Allen  
Attorney for Plaintiffs  
CHRISTINE CHANG and  
ERIC SUN

## **EXHIBIT 3.5**



March 3, 2003

**SENT BY CERTIFIED MAIL  
WITH RETURN RECEIPT**

Brett S. Allen, Esq.  
909 Marina Village Parkway #669  
Alameda, CA 94501

Ref: Representation of Cases 2001-023364 & 2002-046048

Dear Mr. Allen:

Starting December 29, 2002, I have requested info from you related to both cases above but have not received it. They are subpoena records of social service/police department/doctor/hospital/witnesses/homeowner association, subpoena of police officers/witnesses, records presented by defendants and defense attorney, deposition taken by you of the defendant or location where I can see it. I requested repeatedly by phone and email and your response was to have me sign the substitutions of attorney, or otherwise, you won't transfer our files to me.

You have not fulfilled our contract as you and I agreed upon and I have found you:

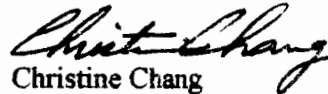
1. Mis-filed case 2001-023364 missing defendant & facts after I made specific requests. It took you more than 6 months to complete the amendment.
2. Not submitting related documents to the defense attorney you said had been submitted before the deposition for case 2001-023364. You called off the second deposition instantly.
3. Informing me the scheduled meeting with the judge by email while you knew my computer was down, and never bothered to phone me of the scheduled meeting on 12/10/02 for case 2001-023364.
4. Informing me the mandatory settlement scheduled on 2/21/03 in your 2/20 email and never bothered to phone me. I received your email on 2/23. When I complained your not informing me on-time you responded that the email was the secondary notice. I received email from you dated 2/14 that you were attempting to have it continued until I could retain another attorney. I don't consider the 2/14 email as first notice. As a result of my not-present in the settlement on 2/21/03 I received an order to appear from the court for possible sanction and our case dismissed (case 2002-046048).
5. Hiring another attorney to take your place in the mandatory settlement who was not familiar with our cases. You never notified me of the new attorney who would represent us in the settlement while you had another conference in Redwood City. The email you sent me dated 2/20 I received on 2/23 after the settlement was over (case 2002-046048).
6. Initially I requested to add the assault/battery accident to case 2001-023364 because they were related. But you insisted upon filing a different case (2002-046048) saying that we could join the cases later after proving the conspiracy between the board member and defendant who assaulted/battered myself and my son. I haven't seen you done any work to subpoena police officers & records/witnesses/board member/homeowner association records to join the cases.
7. Representing both of our cases from viable to non-viable despite of my extensive communication and document support in the past 1 1/2 years.
8. Refusing to meet with me to show status of our cases and transfer files, unless I sign the substitution of attorney to allow you to dump our cases on another attorney.
9. Not providing monthly accounting to show your charges being reasonable.

I have paid you \$12,500 to represent us in the cases and you refused to schedule a meeting

to let me know the status and transfer files to me. You suppressed me to sign the substitution of attorney, or otherwise, you won't release the files. Furthermore, you filed a motion to be relieved as counsel based on the reason of my refusal to submit to deposition. I have attended two depositions with defense attorneys upon your requests, and have no intention to refuse the deposition or any court proceeding. I have been requesting the status of our cases and asking you to postpone court proceedings until we clarify the confusion since December 2002. So far you haven't responded any of my requests. I simply need to know what has been done and where are we heading before the deposition/summary judgement/settlement/trial schedules take place. Apparently you are avoiding to show me the status of our cases and trying to force your relieve as counsel by filing a false declaration.

Your lack of communication and representation in both of our cases has made me extremely distressed and disoriented. In addition, you have ruined our cases' viability. Please refund \$12,500 I have paid you based on all of the above reasons.

Sincerely yours,

  
Christine Chang

ENDORSED  
FILED  
ALAMEDA COUNTY

02 JUN 10 PM 2:46

CLERK OF THE SUPERIOR COURT  
BY BARBARA C. YOUNG, DEPUTY

BRETT S. ALLEN, (SBN 165097)  
LAW OFFICE OF BRETT S. ALLEN  
909 Marina Village Parkway, #669  
Alameda, CA 94501  
Tel: (510) 872-9933

Attorney for Plaintiffs  
Christine Chang and  
Eric Sun

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

UNLIMITED JURISDICTION

CHRISTINE CHANG and ERIC SUN

CASE NO.: 2001-023364

Plaintiffs,

vs.

SECOND AMENDED COMPLAINT  
FOR INTENTIONAL INFLECTION OF  
EMOTIONAL DISTRESS,  
NEGLIGENCE, SLANDER, AND  
INTRUSION

EVA AMMANN, CHARLES BLAKENEY,  
MIKE SOLOMON, MURRAY SINGER,  
ROCKRIDGE MANOR HOA,  
ELIZABETH LADY and DOES 3-100,  
inclusive

Defendants.

Plaintiffs, CHRISTINE CHANG and ERIC SUN complain of Defendants and each  
of them as follows:

**GENERAL ALLEGATIONS**

1. At all times relevant to this lawsuit, Plaintiffs, CHRISTINE CHANG and ERIC SUN, ("Plaintiffs") were residents of Alameda County, California.
2. Plaintiffs are informed and believe that at all times relevant to this lawsuit defendant EVA AMMANN was and is a natural person residing in Alameda County.
3. Plaintiffs are informed and believe that at all times relevant to this lawsuit

1 defendant CHARLES BLAKENEY was and is a natural person residing in  
2 Alameda County.

3 4. Plaintiffs are informed and believe that at all times relevant to this lawsuit  
4 defendant MIKE SOLOMON was and is a natural person residing in Alameda  
5 County.

6 5. Plaintiffs are informed and believe that at all times relevant to this lawsuit  
7 defendant MURRAY SINGER was and is a natural person residing in Alameda  
8 County.

9 6. Plaintiffs are informed and believe that at all times relevant to this lawsuit  
10 defendant ELIZABETH LADY was and is a natural person residing in Alameda  
11 County.

12 7. Upon filing the original cross-complaint herein, Plaintiffs were ignorant of  
13 the true names of each Defendant and having designated this Defendant in the  
14 complaint by a fictitious name, to-wit DOE-2, and having discovered the true  
15 name of the Defendant to be the Defendant described in this paragraph, Plaintiff  
16 hereby amends its complaint by inserting such true name in the place and stead  
17 of such fictitious name wherever it appears in the complaint. ELIZABETH LADY.

18 8. Defendants Does 3 through 100, inclusive, are sued herein under fictitious  
19 names because their true names and capacities, whether individual, associate,  
20 corporate or governmental, are not now known to Plaintiffs. Plaintiffs are  
21 informed and believe and upon such information and belief allege that each of  
22 the Defendants named as a Doe is negligently or otherwise legally responsible in  
23 some manner for the events herein alleged, and that said Defendants negligently  
24 acted or omitted to act in one or more of their occupations and businesses and  
25 that such negligence or fault proximately caused the injuries and damages  
26 hereinafter set forth. Plaintiffs pray leave to insert the true names and capacities  
27 of said Defendants when the same are ascertained.

28 9. At all times herein mentioned, each and every one of the Defendants



1 herein was the agent, servant and employee of each other, and each was acting  
2 within the course and scope of such agency, service and employment.

3 10. At all times relevant to this lawsuit plaintiffs CHRISTINE CHANG and  
4 ERIC SUN resided in unit number 314 located in the Rockridge Manor  
5 Condominium complex at 2005 Pleasant Valley Avenue, Oakland, California.

6 11. At all times relevant to this lawsuit, plaintiffs are informed and believe that  
7 defendant EVA AMMANN was the manager of Rockridge Manor Condominium  
8 complex and resided in said complex located at 2005 Pleasant Valley Avenue,  
9 Oakland, California.

10 12. At all times relevant to this lawsuit, plaintiffs are informed and believe that  
11 defendant CHARLES BLAKENEY was on the board of directors of the Rockridge  
12 Manor Condominium complex and resided in said complex located at 2005  
13 Pleasant Valley Avenue, Oakland, California.

14 13. At all times relevant to this lawsuit, plaintiffs are informed and believe that  
15 defendant MIKE SOLOMON was on the board of directors of the Rockridge  
16 Manor Condominium complex and resided in the complex located at 2005  
17 Pleasant Valley Avenue, Oakland, California.

18 14. At all times relevant to this lawsuit, plaintiffs are informed and believe that  
19 defendant MURRAY SINGER was on the board of directors of the Rockridge  
20 Manor Condominium complex and resided in said complex located at 2005  
21 Pleasant Valley Avenue, Oakland, California.

22 15. At all times relevant to this lawsuit, plaintiffs are informed and believe that  
23 defendant ELIZABETH LADY resided in said complex located at 2005 Pleasant  
24 Valley Avenue, Oakland, California.

25 **FIRST CAUSE OF ACTION**  
26 Intentional Infliction of Emotional Distress  
27 Against All Defendants

27 16. On or about September 14, 2000, defendants EVA AMMANN and  
28 ELIZABETH LADY conspired and acted together and contacted the Department



1 of Social Services and knowingly and falsely reported that plaintiff ERIC SUN  
2 was acting dangerously and possessed a gun.

3 17. Defendants' conduct as alleged here was intentional and malicious and  
4 done for the purpose of causing Plaintiffs to suffer humiliation, mental anguish,  
5 and emotional and physical distress. Defendants CHARLES BLAKENEY, MIKE  
6 SOLOMON, MURRAY SINGER, and the ROCKRIDGE MANOR HOA's conduct  
7 in confirming and ratifying the wrongful conduct was done with a wanton and  
8 reckless disregard of the consequences to Plaintiffs.

9 18. As the proximate result of the aforementioned acts, Plaintiffs suffered  
10 humiliation, mental anguish, embarrassment, shame, and emotional and physical  
11 distress, and have been injured in mind and body, all to Plaintiffs's damage.

12 19. As a result of Defendants's conduct as alleged herein, Plaintiffs suffered  
13 severe emotional distress according to proof at trial including but not limited to  
14 humiliation, embarrassment, anguish, pain, and betrayal.

15 20. As more fully alleged above, in committing all of the foregoing acts of  
16 misconduct, Defendants acted in a flagrant, aggravated, and wanton and  
17 reckless disregard of the duties and obligations they owed to Plaintiffs and their  
18 rights, and Plaintiffs are therefore entitled to and demand punitive damages.

19 21. As more fully alleged above, pursuant to California Civil Code section  
20 3345, Plaintiffs are entitled to have penalties, fines, and damages awarded  
21 increased in an amount up to three times greater than would otherwise be  
22 awarded.

23 **SECOND CAUSE OF ACTION**  
24 **Negligence Against All Defendants**

25 22. Plaintiffs incorporate herein by reference each and every allegation as set  
26 forth in Paragraphs 1 through 21 above.

27 23. Defendants named herein knew that Plaintiff ERIC SUN had emotional  
28 problems and that calling the Department of Social Services and/or the police

1 would greatly harm his state of mind. Additionally, Defendants knew that calling  
2 the police and/or the Department of Social Services would cause great emotional  
3 harm to Plaintiff CHRISTINE CHANG. Despite this knowledge, Defendants and  
4 each of them called and/or ratified the calling of the Department of Social  
5 Services and/or the police and fraudulently reported that Plaintiff ERIC SUN  
6 possessed a gun and was acting violently. Defendants breached their duty to  
7 Plaintiffs by fraudulently, knowingly, and falsely informing or ratifying the  
8 informing of the Department of Social Services and/or the police that Plaintiff  
9 ERIC SUN possessed a gun and was violent.

10 24. The result of Defendants's negligence as alleged herein, caused the  
11 Plaintiffs loss of security, humiliation, frustration, mental anguish, and emotional  
12 and physical distress.

13 **THIRD CAUSE OF ACTION**  
14 **Slander Against All Defendants**

15 25. Plaintiffs incorporate herein by reference each and every allegation as set  
16 forth in Paragraphs 1 through 25 above.

17 26. On or about September 14, 2000, defendant EVA AMMANN and/or  
18 ELIZABETH LADY contacted the Department of Social Services and knowingly  
19 and falsely reported that plaintiff ERIC SUN was acting dangerously and  
20 possessed a gun.

21 27. Defendants EVA AMMANN and ELIZABETH LADY's statements were  
22 made with wanton disregard for the truth and accused Plaintiff ERIC SUN of  
23 possessing a firearm. Defendants CHARLES BLAKENEY, MIKE SOLOMON,  
24 MURRAY SINGER, and the ROCKRIDGE MANOR HOA's conduct in confirming  
25 and ratifying the wrongful conduct was done with a wanton and reckless  
26 disregard of the consequences to Plaintiffs Therefore, Plaintiff ERIC SUN is  
27 entitled to and demands punitive damages against all Defendants.  
28

1 28. The result of Defendants's slander as alleged herein, caused Plaintiff  
2 ERIC SUN loss of security, humiliation, frustration, mental anguish, and  
3 emotional and physical distress.

4 **FOURTH CAUSE OF ACTION**  
5 **Intrusion Against All Defendants**

6 29. Plaintiffs incorporate herein by reference each and every allegation as set  
7 forth in Paragraphs 1 through 28 above.

8 30. Defendants actions caused the Department of Social Services and the  
9 police to intrude into the life of Plaintiff ERIC SUN in a highly offensive manner.

10 31. Defendants knew that falsely informing the Department of Social Services  
11 and/or the police would cause the police and Department of Social Services  
12 personnel to intrude into Plaintiff ERIC SUN's privacy by entering his  
13 condominium.

14 WHEREFORE, Plaintiffs pray judgment as hereinafter set forth.

15 **ON THE FIRST AND THIRD AND FOURTH CAUSES OF ACTION:**

- 16 1. For general damages according to proof at the time of trial;  
17 2. For costs of suit herein incurred;  
18 3. For punitive damages; and  
19 4. For such other and further relief as the Court deems just and  
20 proper.

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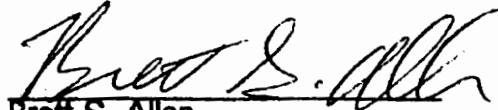
28 ///

**ON THE SECOND CAUSE OF ACTION:**

1. For general damages according to proof at the time of trial;
2. For costs of suit herein incurred; and
3. For such other and further relief as the Court deems just and proper.

Dated: April 1, 2002

Law Office of Brett S. Allen

  
Brett S. Allen  
Attorney for Plaintiffs  
CHRISTINE CHANG and  
ERIC SUN

**EXHIBIT 3.6**



**AT&T**  
**Worldnet**  
**service**

 **Message**  
**Center**

<a href="#">Home</a>	<a href="#">E-mail</a>	<a href="#">Calendar</a>	<a href="#">My AT&amp;T</a>	<a href="#">Chat &amp; Message Boards</a>	<a href="#">Shop</a>	<a href="#">Help</a>	<a href="#">Member Services</a>
<a href="#">Get E-mail</a>	<a href="#">Message List</a>	<a href="#">Compose</a>	<a href="#">Choose folder</a>	<a href="#">Address Book</a>	<a href="#">Mailboxes</a>	<a href="#">Options</a>	<a href="#">Help</a>   <a href="#">Logout</a>

Logged in as: **christie1chang**

Message: **15 of 117**

Mailbox: **christie1chang on AT&T WorldNet**

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**From:** christie1chang@att.net [ [Save address](#) ]

**To:** ballenlaw@earthlink.net

**Cc:** christie1chang@worldnet.att.net

**Date:** Thu, 27 Dec 2001 04:01:49 +0000

Brett:

Please include Constance Celaya in our complaint against the board members, Eva Ammann, and Elizabeth Lady. The reasons are as follows:

1. Constance committed acts of harrassment/assault/battery/slander against us due to Mike Solomon's great influence. For more than a year while I was on the board, Constance owed homeowner association dues every month for large amount. While all the other delinquent homeowners were being charged penalty/interest, sent to collection agency, or filed lien against, Mike Solomon forbid any action taken against Constance's delinquent account for a long time. I won't be surprised if Mike Solomon and Eva Ammann cut a deal with Constance, or simply wiped out the unpaid dues because Mike Solomon desired it.
2. Her violent acts was pre-meditated and motivated by Mike Solomon. Mike Solomon wasn't at the scene where the violence occured, but was able to make false accusation against us right after the violence with the police officers.
3. I asked the neighbor to call Oakland police and Constance walked in to neighbor's home to call the police herself. I believed she called the police officer of her acquaintance. When I asked for Constance's work info to make complaint against her, the officer didn't ask her question but was able to write down Constance's full name, police Dept and phone number where she works, and her supervisor's name. I still have the paper.
4. The officers didn't cite her for her violent acts even after they saw my son's bleeding finger.

5. I checked with Oakland Police Dept for the  
<http://webmail.att.net/wmc/v/wm?cmd=Show&no=103&uid=1150&sid=c0>

12/28/01

~ To: ballenlaw@earthlink.net ~

Page 2 of 2

report the police officers took. It was never filed. I left messages with the officer who took the report several times. There wasn't any response.

6. I talked with the DA office who told me to file my own additional report to get a report number to trace annoying phone calls. And for a chance to press charges against Constance if the report gets submitted to the DA office.
7. After I filed additional report (the only report that exist) we talked with the investigator who didn't want to interview the police officers that were at the scene. He played dumb when I asked him to talk with the officers.

I will be talking to the DA office and giving all the facts. Hopefully, they will press charges against Constance.

Please let me know how to file complaint with UC Berkeley Police Dept, of Constance using her job as a dispatcher to call in her acquaintance to cover her violence.

Please include Constance in our original complaint against the board members, Eva Ammann, and Elizabeth Lady. Thank you.

Christine & Eric

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LAW OFFICE OF BRETT S. ALLEN  
909 Marina Village Parkway, #669  
Alameda, CA 94501  
Tel: (510) 872-9933

Attorney for Plaintiffs  
Christine Chang and  
Eric Sun

**ENDORSED  
FILED  
ALAMEDA COUNTY**

**APR 03 2002**

CLERK OF THE SUPERIOR COURT  
By R.C. Hughes,

**SUPERIOR COURT OF CALIFORNIA**

**COUNTY OF ALAMEDA**

**UNLIMITED JURISDICTION**

CHRISTINE CHANG and ERIC SUN

Plaintiffs,

vs.

CANDACE CELAYA, and DOES 1-30,  
inclusive

Defendants.

CASE NO.: **2002-046048**

**COMPLAINT FOR INTENTIONAL  
INFLECTION OF EMOTIONAL  
DISTRESS, ASSAULT AND BATTERY**

Plaintiffs, CHRISTINE CHANG and ERIC SUN complain of Defendants and each  
of them as follows:

**GENERAL ALLEGATIONS**

1. At all times relevant to this lawsuit, Plaintiffs, CHRISTINE CHANG and ERIC SUN, ("Plaintiffs") were residents of Alameda County, California.
2. Plaintiffs are informed and believe that at all times relevant to this lawsuit defendant CANDACE CELAYA was and is a natural person residing in Alameda County.
3. Defendants Does 1 through 30, inclusive, are sued herein under fictitious names because their true names and capacities, whether individual, associate,

1 corporate or governmental, are not now known to Plaintiffs. Plaintiffs are  
2 informed and believe and upon such information and belief allege that each of  
3 the Defendants named as a Doe is negligently or otherwise legally responsible in  
4 some manner for the events herein alleged, and that said Defendants negligently  
5 acted or omitted to act in one or more of their occupations and businesses and  
6 that such negligence or fault proximately caused the injuries and damages  
7 hereinafter set forth. Plaintiffs pray leave to insert the true names and capacities  
8 of said Defendants when the same are ascertained.

9 4. At all times herein mentioned, each and every one of the Defendants  
10 herein was the agent, servant and employee of each other, and each was acting  
11 within the course and scope of such agency, service and employment.

12 5. At all times relevant to this lawsuit plaintiffs CHRISTINE CHANG and  
13 ERIC SUN resided in unit number 314 located in the Rockridge Manor  
14 Condominium complex at 2005 Pleasant Valley Avenue, Oakland, California.

15 6. At all times relevant to this lawsuit, plaintiffs are informed and believe that  
16 defendant CANDACE CELAYA resided in the Rockridge Manor Condominium  
17 complex located at 2005 Pleasant Valley Avenue, Oakland, California.

18 **FIRST CAUSE OF ACTION**  
19 **(Intentional Infliction of Emotional Distress)**

20 7. On or about December 10, 2001, Defendant CELAYA, verbally threatened  
21 plaintiffs with bodily injury.

22 8. Defendant's conduct as alleged here was intentional and malicious and  
23 done for the purpose of causing Plaintiffs to suffer humiliation, mental anguish,  
24 and emotional and physical distress.

25 9. As the proximate result of the aforementioned acts, Plaintiffs suffered  
26 humiliation, mental anguish, embarrassment, shame, and emotional and physical  
27 distress, and have been injured in mind and body, all to Plaintiffs's damage.

28 10. As a result of Defendant's conduct as alleged herein, Plaintiffs suffered



1 severe emotional distress according to proof at trial including but not limited to  
2 humiliation, embarrassment, anguish, pain, and betrayal.

3 **SECOND CAUSE OF ACTION**  
4 **(Assault)**

5 11. Plaintiffs incorporate herein by reference each and every allegation as set  
6 forth in Paragraphs 1 through 10 above.

7 12. On or about December 10, 2001, in the laundry room located of the  
8 Rockridge Manor Condominium complex located at 2005 Pleasant Valley  
9 Avenue, Oakland, California, defendant CELAYA, approached plaintiffs in a  
10 menacing manor, with closed fists, and stated her intention of striking plaintiffs  
11 with her hands.

12 13. In doing the acts as alleged above, defendant CELAYA intended to place  
13 plaintiffs in apprehension of great bodily harm.

14 14. As a result of defendant CELAYA's acts as alleged above, plaintiffs, in  
15 fact, were placed in great apprehension of great bodily harm.

16 **THIRD CAUSE OF ACTION**  
17 **(Battery)**

18 15. Plaintiffs incorporate herein by reference each and every allegation as set  
19 forth in Paragraphs 1 through 14 above.

20 16. Immediately thereafter, defendant CELAYA pushed plaintiff CHANG in the  
21 chest and grabbed CHANG'S neck with her hands. Defendant CELAYA then  
22 repeatedly struck CHANG in the face with her fists. CHANG was able to back  
23 away but defendant CELAYA once again grabbed CHANG'S neck and  
24 threatened to kill her. CELAYA continued the attack by pushing CHANG against  
25 the wall. Plaintiff SUN heard the noise and entered the laundry room. CELAYA  
26 pushed and hit SUN in the shoulders, neck, and arm. She also scratched SUN  
27 causing his finger to bleed.

28 17. In doing the acts as alleged above, defendant CELAYA acted with the



1 intent to make physical contact with both plaintiffs.

2 **SECOND AND THIRD CAUSES OF ACTION**  
3 (Continued)

4 18. At no time did plaintiffs consent to any of the acts of defendant alleged in  
5 the second and third causes of action, above.

6 19. As a proximate result of the acts of defendant as alleged in the second  
7 and third causes of action, plaintiff CHANG suffered bruises to her neck and  
8 face.

9 20. As a proximate result of the acts of defendant as alleged in the second  
10 and third causes of action, plaintiff SUN suffered bruises to his shoulders and a  
11 cut to his finger.

12 21. As a proximate result of the acts of defendant as alleged in the second  
13 and third causes of action, plaintiffs were hurt and injured in their health,  
14 strength, and activity, sustaining injuries to their persons, all of which have  
15 caused, and continue to cause, plaintiffs great mental and nervous pain and  
16 suffering. As a result of these injuries, plaintiffs have suffered general damages  
17 in an amount to be determined at trial.

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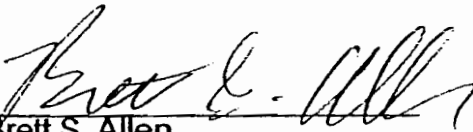
1 22. The aforementioned conduct of defendant was willful and malicious and  
2 was intended to oppress and cause injury to plaintiffs. Plaintiffs are therefore  
3 entitled to an award of punitive damages.

4 WHEREFORE, Plaintiffs pray judgment as hereinafter set forth.

- 5 1. For general damages according to proof at the time of trial;
- 6 2. For costs of suit herein incurred;
- 7 3. For punitive damages; and
- 8 4. For such other and further relief as the Court deems just and  
9 proper.

10 Dated: April 1, 2002

Law Office of Brett S. Allen

11 

12 Brett S. Allen  
13 Attorney for Plaintiffs  
14 CHRISTINE CHANG and  
15 ERIC SUN  
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### CERTIFICATE OF SERVICE

I, CHRISTINE CHANG, hereby certify that on February 29, 2008, I forwarded a true and correct copy of:

1. Declaration of Plaintiff Christine Chang in Support of Plaintiffs' Appeal of Court Order Granting Defendants Rockridge Manor Condominium's Motion to Dismiss or, in the Alternative, for a More Definite Statement; And Granting Defendants Rockridge Manor Condominium's Motion for Summary Judgment and Leave for Appeal
2. Plaintiffs' Appeal of Court Order Granting Defendants Rockridge Manor Condominium's Motion to Dismiss or, in the Alternative, for a More Definite Statement; and Granting Defendants Rockridge Manor Condominium's Motion for Summary Judgment And Leave for Appeal

To Defendants' Counsels by placing a true copy and exhibits thereof in a sealed Envelope with first class postage prepaid and addressed as follows:

Gaylynn Kirn Conant  
Lombardi, Loper & Conant, LLP  
Lake Merritt Plaza  
1999 Harrison Street, Suite 2600  
Oakland, CA 94612-3541

Paul A. Conroy  
Allman & Nielsen  
100 Larkspur Landing Circle  
Suite 212  
Larkspur, CA 94939

Lee J. Danforth  
Coddington, Hicks & Danforth  
555 Twin Dolphin Drive, Suite 300  
Redwood Shores, Redwood City,  
California 94065-2133

Andrew Adler  
Boornazian, Jensen Garthe  
555 12th Street, Suite 1800  
Oakland, CA 94607

Albert F. Coombes  
15915 Ventura Blvd., Penthouse 4  
Encino, CA 91436

Edward Rodzewich  
Valvrian, Patterson and Stratman  
1650 Harbor Parkway, Suite 100  
Alameda, CA 94502

I caused such envelopes to be placed for collection and mailing in the United States Mail at San Francisco, California.

Dated: February 29, 2008

By   
Christine Chang, Plaintiff